



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/468,752	12/21/1999	VIKRAM SINGH	GEM-30890	4049

27061 7590 12/03/2002

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (GEMS)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

EXAMINER

RUDY, ANDREW J

ART UNIT	PAPER NUMBER
----------	--------------

3627

DATE MAILED: 12/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/468,752

Applicant(s)

SINGH ET AL.

Examiner

Andrew Joseph Rudy

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 September 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-23 are pending. Applicant's 16 September 2002 RESPONSE has been reviewed.

Response to Amendment

3. Claims 1-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hinh or Westrope. Applicant's REMARKS regarding claim 1 are noted, but are not convincing. Also, it is noted that Applicant has claimed potential use, e.g. claim 1, lines 4, 5 "for a potential customer to access an automated seller facility" and claim 18, lines 1, 2 "for screening a potential customer" and no concrete two-tier screening methodology to execute the method is recited. An initial screening may be no more than placing a person/entities name on a credit application. A log-in may also broadly constitute a prescreening. Further, the credit check industry contains a prolific list of data used to screen potential customers, e.g. location of potential customer, completeness of application, and implementing such in the present scenario is deemed within the purview of one of ordinary skill in the art.

Where in the claim language is it positively recited that initial screening does not preclude access of the seller facility prior to the initial screening? The examiner does not read such positive recitations in the present claim language. Consequently, Applicant's REMARKS are not consistent with the recited claim language.

In contrast to Applicant's assertion, requiring a user name and a password is within the broad context of a qualification check. As is, Applicant's claim language does not require any specific sequential order to implement such. Also, Applicant's comments regarding claim 12 are noted, but not convincing as no such claim limitations are present in the claims as so argued in the REMARKS. In sum, Applicant is asserting positions that are not supported by the present invention as claimed.

Regarding claim 18, the phrase "is determined qualified" is nebulous as to what one is qualified for. Again, the claim language's intended use, of which does not carry patentable weight in the instant application, and the lack of any positively recited sequential method does not correlate with Applicant's REMARKS.

As is, Hinh and Westrope fully encompass a two-tier screening the claim language presently recites.

Further, Official Notice is taken that it is well known by a individual/company to execute a prescreening (e.g. ascertain ones name, address, income, etc.) in order to qualify for a credit application being forwarded, e.g. an account and/or loan, and then conduct a formal application process whereby the person/entity is deemed credit worthy in order to access products/services offered by the individual/company. This constitutes a two tier database system. In essence, the inventive concept embodied by Applicant as claimed appears well known in the art. Department stores have long executed prior to Applicant's filing date of the instant Application a prescreening of a potential customer to determine if one is qualified to purchase

products/services from the store and subsequently issuing an account to the potential customer to purchase the products/services upon further analysis of the customers application. To use this well known system in a computer/Internet setting is not deemed novel.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Further pertinent references of interest:

Weiss et al., US 6,354,490, discloses a consumer banking system.

Call, US 6,154,738, discloses a mechanism for disseminating information.

Felvey, John, discloses in "Cross-Selling by Computer" using computers in a database.

Miller, Paul, discloses in "Knowing who's a bad risk" using computers in a marketing credit check system database.


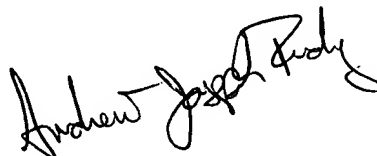
Wolff, Mark, discloses in "Is that Customer A Potential Bankrupt" using pre-screen lists in a database.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Joseph Rudy whose telephone number is 703-308-7808. The examiner can normally be reached on Tuesday thru Friday, 7:30 a.m until 6 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Robert Olszewski can be reached on (703) 308-5183. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

November 26, 2002



Richard Chilcot
Supervisory Patent Examiner
Technology Center, 2650